

# Conformity Analysis Documentation

## FHWA Checklist for Reliance on a Previous Regional Emissions Analysis

October 28, 2005

***DRAFT***

| 40 CFR               | Criteria  | Page | Comments |
|----------------------|---|------|----------|
| §93.102              | Document the applicable pollutants and precursors for which EPA designates the area as nonattainment or maintenance.  |      |          |
| §93.104<br>(b, c)    | Document the date that the MPO officially adopted, accepted or approved the TIP/RTP and made a conformity determination. Include a copy of the MPO resolution. Include the date of the previous conformity finding being relied upon.   |      |          |
| §93.108              | Document that the TIP/RTP is financially constrained (23 CFR 450).  |      |          |
| §93.109<br>(a, b)    | Document that the TIP/RTP complies with any applicable conformity requirements of air quality implementation plans (SIPs) and court orders.   |      |          |
| §93.109<br>(c-k)     | Provide either a table or text description that details, for each pollutant and precursor, whether the interim emissions tests and/or the budget test apply for conformity. Indicate which emissions budgets have been found adequate by EPA, and which budgets are currently applicable for what analysis years.   |      |          |
| §93.110<br>(a, b)    | Summarize the latest planning assumptions (source and year) utilized at the time the previous regional emissions analysis was conducted, including population, employment, travel, congestion and vehicle registration data. Document the date upon which the previous analysis was begun.  |      |          |
| §93.111              | Document the use of the latest emissions model approved by EPA at the time the previous regional emissions analysis was conducted.  |      |          |
| §93.112              | Document fulfillment of the interagency and public consultation requirements outlined in a specific implementation plan according to §51.390 or, if a SIP revision has not been completed, according to §93.105 and 23 CFR 450.   |      |          |
| §93.113              | Document that the timely implementation of TCMs is consistent with schedules in the applicable SIP. Document whether anything included in the program submittal interferes with implementation.   |      |          |
| §93.114              | Document that the conformity analyses performed for the TIP is consistent with the analysis performed for the Plan, in accordance with 23 CFR 450.324(f)(2).  |      |          |
| §93.118<br>(a, c, e) | <u>For areas with SIP budgets:</u> Summarize the results of the emissions budget test(s) for each applicable pollutant and precursor, including projects in any associated donut area that are in the Statewide TIP and regionally significant non-Federal projects, are consistent with any adequate or approved motor vehicle emissions budget for all pollutants and precursors in applicable SIPs.  |      |          |
| §93.118<br>(b)       | Document for which years consistency with motor vehicle emissions budgets must be shown.  |      |          |
| §93.118<br>(d)       | Document the use of the appropriate analysis years in the regional emissions analysis for areas with SIP budgets, and the analysis results for these years. Document any interpolation performed to meet tests for years in which specific analysis is not required.  |      |          |
| §93.119 <sup>1</sup> | <u>For areas without applicable SIP budgets:</u> Summarize the results of the interim emissions test(s) for each applicable pollutant and precursor, including projects in any associated donut area that are in the Statewide TIP and regionally significant non-Federal projects, are consistent with the requirements of the "Action/Baseline", "Action/1990" or "Action/2002" tests, as applicable. |      |          |

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| §93.119 (g)   | Document the use of the appropriate analysis years in the regional emissions analysis for areas without applicable SIP budgets.   |      |          |
| §93.119 (h,i) | Document how the baseline (or base year) and action scenarios are defined for each analysis year.                                 |      |          |
| §93.122 (g)   | Document that the conformity determination relies on a previous regional emissions analysis and is consistent with that analysis. |      |          |

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<sup>1</sup> Note that some areas are required to complete both the “Action/Baseline” and “Action/Base Year” interim emissions tests.

#### Disclaimers

If an MPO does not wish to utilize this checklist for a conformity determination that relies upon a previous regional emissions analysis, it may instead submit the documentation from the original conformity determination with a cover sheet attached that details the changes to the TIP and/or Plan through the submitted Amendment and stating that those changes do not affect the MPO's ability to rely upon the previous regional emissions analysis.

This checklist is intended solely as an informational guideline to be used in reviewing Transportation Plans and Transportation Improvement Programs for adequacy of their conformity documentation. It is in no way intended to replace or supercede the Transportation Conformity regulations of 40 CFR Parts 51 and 93, the Statewide and Metropolitan Planning Regulations of 23 CFR Part 450 or any other EPA, FHWA or FTA guidance pertaining to transportation conformity or statewide and metropolitan planning. This checklist is not intended for use in documenting transportation conformity for individual transportation projects in nonattainment or maintenance areas. 40 CFR Parts 51 and 93 contain additional criteria for project-level conformity determinations.